

Remarks

Reconsideration of this Application is requested. Claims 10-22 are currently pending claim in this application.

The claims stand rejected as follows:

- A. Claims 10, 13, 14, 17 and 20-22 stand rejected under 35 USC 103 as being obvious in view of U.S. Patent No. 6,438,583 to McDowell et al. (the '583 patent) in further view of U.S. Patent No. 6,075,844 to Goldberg et al. (the '844 patent);
- B. Claims 11, 15 and 18 stand rejected under 35 USC 103 as being obvious in view of the '583 patent in further view of U.S. Patent No. 6,014,688 to Venkatraman et al. (the '688 patent); and
- C. Claims 12, 16 and 19 stand rejected under 35 USC 103 as being obvious in view of the '583 patent in further view of U.S. Patent No. 6,405,243 B1 to Nielsen (the '243 patent).

Independent claim 10 recites the following recitation:

Receiving the e-mail message at a second address, the e-mail message having been previously rejected at the non-preferred e-mail address and transmitted back to the senders address.

Thus: 1) an email is transmitted from a sender's PC; 2) rejected at a non-preferred PC; 3) and send back to the senders PC. Independent claims 14, 17, 21 and 22 recite a similar recitation.

In formulating the 35 U.S.C. 103 rejection of the '583 patent in view of the '844 patent, the examiner states: "[the 583 patent] fails to teach wherein the e-mail message having been previously rejected at the non-preferred e-mail address and transmitted back to the sender address." The examiner then applies the '844 patent to teach this recitation with references to col. 7, lines 30-38 and col. 7, lines 11-12 of the '844 patent.

It is respectfully submitted that the '844 patent does not overcome the noted deficiencies of the '583 patent. A proper reading of the '844 patent reveals that it neither teaches nor suggests processing a rejected e-mail that was returned from a recipient's PC. For instance, with respect to col. 7, lines 11-12 of the '844 patent, what is actually taught is that when a sender's PC sends a message to a recipient, it also sends a message back to the sender "so the sender is able to determine whether the message was correctly sent to the intended recipient." In other words, did the sender's PC correctly identify who the intended recipient is. This has nothing to do with an "e-mail message having been previously rejected at the non-preferred e-mail address." Similarly, with respect to col. 7, lines 30-38 of the '844 patent, what is actually taught is that the system sends a message back to the sender that it "is not able to determine who the recipient for the message is because either the speech recognition software could not recognize the identification information . . . or no routing access code was contained in the database for the intended recipient . . ." In this instance, clearly no email message was ever transmitted because it did not know who to send it to.

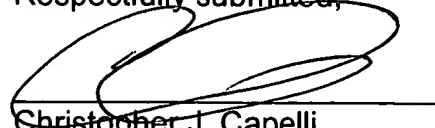
Simply put, the '844 patent does not teach or suggest of processing rejected previously transmitted e-mail messages and thus does not overcome the noted shortcomings of the '583 patent. Accordingly, it is submitted that Claims 10, 13, 14, 17 and 20-22 are allowable over the '583 patent in combination with the '844 patent.

With regards to remaining claims 11, 12, 15, 16, 18 and 19, since each of these claims depend respectively from either of independent claims 10, 14 and 17 as addressed above, they are likewise allowable over the cited art of record since neither the '688 or '243 patent overcome the noted deficiencies of the '583 patent in processing rejected previously transmitted e-mail messages.

In view of the foregoing remarks, it is respectfully submitted that pending claims 10-22 are in condition for allowance and favorable action thereon is

requested. If the Examiner should have any questions, he is kindly urged to contact the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by 'apelli'.

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